

CITY PLANNING COMMISSION

January 25, 1993/Calendar No. 4

C 920556 ZSK

IN THE MATTER OF an application submitted by New York Congregational Home for the Aged, pursuant to Sections 197-C and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-90 of the Zoning Resolution, to permit the development of a nursing home with approximately 200 beds on property located at 123 Linden Boulevard (Block 5084, Lot 84), on the north side of Linden Boulevard between Bedford Avenue and Rogers Avenue, in an R7-1 District, Borough of Brooklyn, Community District 17.

The application for the special permit was filed by New York Congregational Home on April 10, 1992, to allow the development of a 200-bed nursing home in the East Flatbush section of Brooklyn, Community District 17.

BACKGROUND

The project site is located on the southern portion of the block bounded by Linden Boulevard, Lenox Road, Bedford Avenue and Rogers Avenue (Block 5084, Lot 84) in Brooklyn. The site is within an R7-1 zoning district in the East Flatbush neighborhood.

Located east and west of the site on Linden Boulevard are Pre-1945, six-story apartment buildings. Additional six-story multi-family buildings line the block on Bedford Avenue, Lenox Road and Rogers Avenue. Directly behind the northwest portion of the site facing Lenox Road and across Linden Boulevard to the south are two- and three-story, one- to three-family houses. The houses directly

behind the site have deep rear yards. The surrounding blocks are predominantly residential with ground floor commercial uses along Rogers and Nostrand Avenues.

The 85,500-square-foot (1.96 acres) site currently contains a 68-bed nursing home facility, which the applicant has operated since it was constructed in 1918. Its 68 beds will be transferred to the new facility; 132 new beds will be added for a total of 200 beds in the new building.

Since the site is located in CD 17, which is designated in the Zoning Resolution, Section 74-903, the applicant has applied for a special permit under Section 74-90 (Use and Bulk Modifications for Certain Community Facility uses). The facility will be constructed in compliance with Section 24-111, which restricts nursing homes to the same maximum floor area ratio (FAR) as residential developments.

The existing building contains 23,000 square feet of floor area with an FAR of .27. The four story building is located on the Linden Boulevard frontage of the lot and covers 8,640 square feet of the total lot area. The remaining 76,860 square feet of lot area is utilized for parking (4,800 square feet), driveways (1,800 square feet) and landscaped areas (70,260 square feet).

The proposed six-story building is to be constructed behind the

existing building. The applicant proposes to retain the existing building which will be put to another related use, yet to be determined. The new building will have an FAR of .99; the total FAR on the site will be 1.26. The height is consistent with the surrounding pre-war, six-story apartment buildings located to the east and west on Linden Boulevard.

The six-story building will have 84,337 square feet of floor area covering 14,187 square feet (approximately 18%) of the total lot area. There will be a courtyard of approximately 10,000 square feet between the existing and proposed buildings.

Parking will occupy the western portion of the site with 43 spaces and there will be three spaces behind the existing building, for a total of 46 spaces. Ten spaces are required by zoning.

ENVIRONMENTAL REVIEW

This application (C 920556 ZSK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 92-619K. The lead agency is the Department of City Planning.

After a study of the potential environmental impact of the proposed

action, a Negative Declaration was issued on August 27, 1992.

UNIFORM LAND USE REVIEW

This application (C 920556 ZSK) was certified as complete by the Department of City Planning on August 24, 1992, and was duly referred to Brooklyn Community Board 17 and the Brooklyn Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Brooklyn Community Board 17 held a public hearing on this application on October 21, 1992, and, on that date, by a vote of 27 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following condition:

"That a direct effort is made to preserve more of the existing trees."

Borough President Recommendation

This application was considered by the Brooklyn Borough President, who issued a recommendation approving the action on November 19, 1992.

The Borough President's recommendation included the following comments:

"The City Planning Commission examine and eliminate current regulations of the Zoning Resolution which serve to hinder and deter the development of long term residential care facilities for documented underserved areas."

City Planning Commission Public Hearing

On December 2, 1992 (Calendar No. 1), the City Planning Commission scheduled December 16, 1992, for a public hearing on this application (C 920556 ZSK). The hearing was duly held on December 16, 1992 (Calendar No. 14). There was one speaker in favor of the application and no speakers in opposition.

The President of the New York Congregational Home for the Aged stated the need for the facility and that the design and landscaping were done with concern for the needs of the elderly, and for the surrounding community.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

Zoning Resolution Section 74-903 designates Brooklyn Community District 17 as one of 25 community districts city-wide and nine in

the borough of Brooklyn requiring a special permit for the development (or enlargement) of nursing homes and health-related facilities.

In response to the Borough President, The Commission notes that staff is currently reviewing all sections of the zoning resolution that affect community facilities as part of the Department's community facility zoning study.

The neighboring community primarily consists of six story apartment buildings and two to four story, one to four family residential homes. At 69 feet high, the new building with 200 beds is approximately the same height as the adjacent six story apartment buildings and, although it is taller than the residential, two- to three-story homes that back on the site to the north and face Lenox Road, these buildings have 55 to 75 foot deep back yards that serve to buffer them from the site. The Linden Boulevard frontage will remain unchanged.

Significant landscape design work will be done on the site. In addition to walkways there will be protected sitting areas in the courtyard between the buildings, and sitting areas and a garden to the west of the existing building. Near the front of the site to the west, set back from Linden Boulevard, is a circular path with a sitting area that has a view of the Boulevard. The applicant will also plant a total of 31 new trees, 27 on the project site and

4 on Linden Boulevard.

In response to Community Board's and City Planning Commission's request that the applicant make a direct effort to preserve more of the existing trees, the Commission notes that the applicant saved five more trees than proposed in the original landscape design.

The applicant made a strong effort to preserve the on-site trees. However, after several meetings, a certified horticulturist submitted a report the results of which were submitted in a letter from the applicant's attorneys dated January 19 explaining that the trees being considered for retention were almost totally introduced species, some of which are not healthy and pose an immediate safety hazard and should be replaced. The Commission believes that the plan, by keeping 44 of the existing trees and adding 27 new trees on site for a total of 71 on site trees and by adding 4 new trees on the street to the 5 that already exist for a total of 9 street trees, satisfies the needs of the facility and the community.

The Commission believes that the proposed facility would not require any significant additions to the neighborhood's existing support services. Services will largely be provided on site. The applicant has agreements with The Brooklyn Hospital - Caledonian Hospital and the Methodist Hospital of Brooklyn concerning the transfer of patients between each hospital and the nursing home as the need arises. The Visiting Nurse Association of Brooklyn

the need arises. The Visiting Nurse Association of Brooklyn provides nursing care and other health services to residents discharged from the facility and evaluates homebound patients as to suitability for admission to the applicant's facility.

Upon review of the applicant's traffic study, the Commission concurs with the determination of the Department of City Planning as the lead CEQR agency, that "no (traffic) capacity problems exist at the intersections surrounding the block of the proposed facility in the future no-building condition, nor are any anticipated as a result of this projection." The Commission believes that the surrounding streets would be adequate to handle the traffic generated by the facility. It will generate a small number of new vehicle trips. Peak project trip generation occurs between 2:30 and 3:30 PM when the Project will result in a net increase of 23 vehicle trips (11 inbound and 12 outbound). These can easily be accommodated by the existing roadways which are well suited to serve the Project Site.

By providing a residential-care resource which will address a community and borough-wide need, and by providing new employment opportunities, the Commission believes that the project will result in a net advantage to the community district.

The Commission notes that the applicant saved five more trees than proposed in the original landscape design.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-90 of the Zoning Resolution:

- (a) That the architectural landscaping treatment and the height of the proposed building containing such uses blends harmoniously with the topography of the surrounding area.
- (b) That the proposed development will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services has been made.
- (c) That the streets providing access to such use are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.
- (d) That the disadvantages to the community imposed by concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed use.
- (e) Not applicable.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of New York Congregational Home for the Aged for the grant of a special permit

for the development of a nursing home with approximately 200 beds on property located at 123 Linden Boulevard (Block 5084, Lot 84), on the north side of Linden Boulevard between Bedford Avenue and Rogers Avenue, in an R7-1 District, Borough of Brooklyn, Community District 17, is approved pursuant to Section No. 74-90 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 920556 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rogers, Burgun, Shahine and Deschler, filed with this application and incorporated in this resolution:

| <u>Drawing No.</u> | <u>Title</u> | <u>Last Date Revised</u> |
|--------------------|---------------------------|--------------------------|
| Z2 | Site Plan | January 21, 1993 |
| Z3 | Zoning Plan | January 21, 1993 |
| Z6 | Site Sections Streetscape | January 21, 1993 |

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification,

cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this the special permit.

The above resolution (C 920556 ZSK), duly adopted by the City Planning Commission on January 25, 1993 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Office of the Brooklyn Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
EUGENIE L. BIRCH, A.I.C.P., AMANDA M. BURDEN, AICP, ANTHONY
GIACOBBE, MAXINE GRIFFITH, JAMES C. JAO, R.A., BRENDA LEVIN,
RONALD SHIFFMAN, A.I.C.P.,
JACOB B. WARD, Commissioners

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C920556 ZSK

CEQR # 92-619K

orig: J. James
C: Brooklyn office
Z. Church
F. Sperling

(Please use this number on all correspondence concerning this application)

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the New York Congregational Home for the Aged pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to permit the development of a nursing home with approximately 200 beds on property located at 123 Linden Boulevard (Block 5084, Lot 84), on the north side of Linden Boulevard between Bedford Avenue and Roger Avenue, in an R7-1 District, Borough of Brooklyn, Community District 7.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007

COMMUNITY BOARD NO. 17
BOROUGH BK

BOROUGH BOARD _____

DATE OF PUBLIC HEARING Oct. 21, 1992

LOCATION 1356 Nostrand Ave.

WAS QUORUM PRESENT? XX YES _____ NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE Oct. 21, 1992

LOCATION 1356 Nostrand Avenue

RECOMMENDATION

____ APPROVE XX APPROVE WITH MODIFICATIONS/CONDITIONS

____ DISAPPROVE _____ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

The vote taken was to recommend approval of the application provided that a direct effort is made to preserve more of the existing trees.

CITY PLANNING COMMISSION
92 NOV -2 PM 1:45
DEPT OF CITY PLANNING

VOTING

IN FAVOR 27 AGAINST 0 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 45

N. Nick Perry
COMMUNITY/BOROUGH BOARD OFFICER

Oct. 28, 1992

Chairperson

DATE

TITLE

cc: Rev. Melville Herron, 1st Vice Chair/Land Use Chair
James Zimmerman, 2nd Vice Chair
Borough Pres. Golden

Borough President Recommendation

CITY PLANNING COMMISSION
22 Rond Street, New York, NY 10007
FAX# (212) 720-3350

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 201 at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # 920556 ZSK
DOCKET DESCRIPTION

Duplicate orig: L. Fornes
Brooklyn office
L. Edwards
P. Sperling

NEW YORK CONGREGATIONAL HOME FOR THE AGED:

To facilitate the construction of a six story building to serve as a nursing home.

COMMUNITY BOARD NO. 17

BOROUGH BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

SEE ATTACHED RECOMMENDATION REPORT

Howard Golden
BOROUGH PRESIDENT

11/19/92
DATE

NEW YORK CONGREGATIONAL HOME FOR THE AGED
(920556 ZSK)
RECOMMENDATION REPORT BY THE
PRESIDENT OF THE BOROUGH OF BROOKLYN

Background

The New York Congregational Home for the Aged (NYCH) requests approval of a special permit application to facilitate the construction of a six story, 200 bed nursing home in the East Flatbush section of Community District 17. The proposed building will be located at the rear, northside of the lot currently occupied by the existing four story NYCH building at 123 Linden Boulevard, between Bedford and Rogers Avenue (Block 5084, Lot 84). NYCH has owned and occupied this site since 1918.

The application is in accordance with Section 74-903 of the Zoning Resolution which requires any development, extension or enlargement of a nursing home within certain designated community districts, must receive special permit approval. Community Board 17 is one of these designated community districts; no other zoning actions are required.

Borough President's Hearing

On October 14, 1992, the Borough President held a public hearing on the application. There was one speaker, the President of the New York Congregational Home for the Aged (NYCH); who spoke in favor of the application.

The NYCH President provided a brief history and summary of the proposed building. The proposed six story building will be located directly north of the existing four story, 68 bed building currently occupied by NYCH. A landscaped courtyard comprised of approximately 10,000 square feet of open space will separate the two buildings. Off street parking will increase from the current 24 to 46 spaces. The residents of the existing facility will not be disturbed or relocated until the construction of the new building is completed. Plans for the re-use of the older building have yet to be determined. The proposed project cost is approximately \$25 million which is to be funded by State bonds and private sources. The anticipated completion date of construction is May 1995.

The Borough President asked several questions of the speaker regarding the level of staff recruitment from the community, preferential patient admittance from area hospitals and of concerns expressed by Community Board 17 for the existing trees on the site. In response to these questions, the NYCH President stated that many of the existing facility's staff is comprised of residents from the community. NYCH will continue this practice of hiring from the community. The NYCH President stated that there will be a reciprocal relationship with Brooklyn-Caledonian and Methodist Hospitals; however, no preferential admittance of patients from these hospitals will be given over any other facility. The speaker further acknowledged Community Board 17's concerns and he stated that

commitments have been made to the Board's Land Use Committee to preserve as many of the existing trees as possible.

Consideration

On October 21, 1992, Community Board 17 recommended approval of the application with a condition which stipulates that a direct effort be made to preserve more of the existing trees.

On October 21, 1992, a representative of the Borough President's staff inspected the site proposed for development as a nursing home. The site is a well-maintained, landscaped lot that is used for outdoor activities by the residents of the existing facility, which occupies the front portion of the same lot. The surrounding area is residential and the proposed site is flanked on either side by two six-story multi-family apartment buildings. No adverse effects are anticipated from the proposed new nursing home.

The proposed development will increase the capacity of the existing long term care services at this site by 132 beds. In November 1991, the New York City Health Systems Agency (HSA) projected a need for 12,266 residential long-term care beds for Brooklyn. This need is met in part by the certified number of existing and planned beds already approved. However, despite the inclusion of the additional beds generated by this development, Community District 17 will have a ratio only 2.5 beds per 1,000 persons as compared to 5.1 for Brooklyn and 6.3 Citywide.

The Borough President believes that current zoning regulations serve to hinder further development of a suitable number of long-term residential care facilities for this underserved district. Specifically, the lengthy period for UD RP review along with the added cost may serve to deter the development of needed services for the Borough's elderly population. Therefore, the Borough President calls upon the City Planning Commission to review Section 74-903 of the Zoning Resolution to determine its rightful applicability to the designated areas.

Recommendation

Whereas, it is the land use policy of the President of the Borough of Brooklyn to encourage the development of programs and services which provide quality health related care; and

Whereas, long term trends indicate significant growth in Brooklyn's elderly population; and

Whereas, New York Congregational Home has stated its commitment to working with the community to address concerns and identify needs for future planning; and

Whereas, this facility will provide both a vital service, and employment for local residents; and

Whereas, despite the inclusion of the added beds generated by this development, there is still an unmet need for additional beds and services for this Community District and the Borough; and

Whereas, current zoning regulations may hinder the development of similar facilities that will reduce this need; now therefore be it

Resolved that the President of the Borough of Brooklyn, pursuant to Section 197-c of the New York City Charter, that based upon the consideration described in this report, recommends approval of this application.

Be it further resolved that the President of the Borough of Brooklyn calls upon the City Planning Commission to examine and eliminate current regulations of the Zoning Resolution which serve to hinder and deter the development of long term residential care facilities for documented underserved areas.



Howard Golden,
President of the Borough
of Brooklyn